

# WOMEN NOT WELCOME AFTER DARK IN RESTAURAN

Supreme Court, New York.  
Clara Foltz, Plaintiff,  
vs.  
Fred. Hollender et al.,  
Defendants.

The facts, the reason  
and the law as given by  
**MRS. CLARA FOLTZ,**  
Attorney-at-Law.

ON the evening of February 22 I and my daughter, on our way home from a private exhibition of the Roentgen ray, stopped at the Hollenders, a respectable hotel and restaurant on West One Hundred and Twenty-fifth street. It had begun to rain heavily, and we wanted to find shelter, secure something to eat and order a carriage to take us home. It was about 9:40 p. m. when we took our seats at one of the vacant tables. I beckoned a waiter and was about to give our order, when he said:

"Ladies, you cannot be served here. It is after 9 o'clock." "What is that? I don't understand you," I replied, thoroughly astonished.

"That's the rule of this house," answered the waiter. "Women who do not have gentlemen escorts will not be served after 9 p. m. You must leave the dining room." At the same time he seized the back of my chair and pushed it forward. I arose and, followed by my daughter, sought the manager, to whom I complained.

"Oh! That's all right," said the manager. "That's the rule of this house. The waiter only did his duty. We don't serve women without escorts after 9 o'clock."

"But," I answered, "this is a great injustice. Don't you see all these people laughing at me? Here is my card. I did not know your rule. You have no right to make such a rule. It is unjust and an insult. Can't you discriminate in favor of known respectable people?"

"We make no discrimination," said the manager, "and you must go." He would not look at my card while I was there, but evidently he read it after I was gone, for the next morning his attorney called on me at my office, in Temple Court, to regret the occurrence of the night before and to deplore the idea of a suit. I never got so much free advice from an attorney before in my life.

"If you will abolish the rule I will not bring suit," I said to him. "Oh, no," he replied, "we can't do that. The rule must stand." "Then we will carry the matter to court on a test case, and see if it will stand," I answered. A few days later I filed suit for \$5,000 damages. The publication of the matter has brought me hundreds of letters from men and women in every walk of life—from judges, lawyers, legislators, society women, newspaper women, typewriters, etc. They represent every phase of decent New York life. Every letter was commendatory, and expressed a hope that I would succeed in breaking down the intolerable rule. There was but one criticism, and that was that the

## EUGENE GARNIER, MANAGER AT DELMONICO'S.

No woman or number of women without male escorts can be served here after 6 o'clock in the evening.

This very subject was raised here last evening by a well-known clubman and his wife. Said he: "If my wife were to come here alone to-morrow evening, say at half-past 6, and asked to be served, would you refuse to serve her?"

"Most emphatically we would," I replied. "There is not a woman in New York who could be served by us if she came unattended after 6 o'clock. Ladies who wish to dine alone in the evening should go to restaurants that are connected with hotels."

## THOMAS M. HILLIARD, MANAGER AT THE WALDORF.

No respectable woman is ever refused service at the Waldorf. We never show courtesies to men here that are not shown to women. If a woman does not conduct herself properly here she is requested not to come again, and the same policy is adopted with men who are objectionable.

I thought the practice of excluding from hotels and restaurants women who come unattended by men was given up long ago. It is a relic of the Middle Ages. If there are any restaurants or hotels that refuse to serve respectable women who are unattended, I should think they were the sort of places where respectable women would not be safe.

## CHARLES CAPEN, MANAGER AT DORLON'S.

Women unattended by men are refused admittance to our restaurant after 9 o'clock at night. Of course, the rule doesn't always work.

Sometimes women who have been refused service have resorted to the expedient of hiring a messenger boy to sit at their table during their meal.

But this is an exceptional instance. Respectable women do not, as a rule, come to our restaurant alone after 9 o'clock, and the few who do invariably accept our explanation pleasantly and go quietly away. The rule has proved valuable alike to proprietors and patrons, and an absolute necessity in our present location.



Delmonico's—Before 6.

damages asked were too small.

The unwholesome and unlawful rule ought not to be tolerated for a day. A thousand years of contrary practice under every sun shows how unnecessary it is. It is cruel and vicious in every line. It works hardship upon an innumerable class of decent, respectable women. It violates the express provisions of the Penal Code. It keeps women from theatres and lectures. And last, but not least, it slanders the city. If there can be anything worse, the matter is made so by the hypocritical pretence of the proprietors that they are doing all this—breaking the law, inducing to crime, violating individual rights, demoralizing the people, and libelling the women of the city—in the interest of morality. They are doing nothing of the kind. The motive of the rule is not decency, but dollars.

The law is clear enough. Section 351 of the Penal Code makes it a misdemeanor for an innkeeper to refuse to entertain a guest, the same as for a railroad to refuse to carry a passenger. It is the veriest nonsense to suppose that an innkeeper can suspend a penal statute by a private rule. If he could, every thief could do the same thing. There is no statutory civil law on this subject, but the common law is perfectly clear:

"An innkeeper is bound by our law, as a servant of the public and exercising a public vocation, to lodge and entertain, to the extent of his accommodations, all suit-

able persons who may apply, and he cannot, if he has room in his house, unreasonably refuse, on any pretence, to receive as guest any person who tenders him reasonable recompense therefor, without rendering himself liable to the party in damages."

And it is not even necessary to tender the money unless the refusal be made upon the ground of the applicant's inability to pay.

The law gives the injured party both a civil and a penal remedy. It is the instrument by which this rule can be abrogated. It is a lawful, peaceable means, intended to be used. Have our women the courage to use it?

*Clara Foltz*

## Women Are Martyrs to Ancient Tradition

To our shame it must be admitted that the French conform to a more ideal conception of a democracy in its treatment of all citizens alike than we have arrived at in this country. A woman may go and come freely in public places in Paris, provided her behavior does not violate the rules respecting public order. A man is under the same restrictions, no more, no less.

There is no evading the fact that here we regard men as less capable of taking care of themselves, for the regulations of public life are chiefly for his safety. We who have so much more confidence in his ability to stand up for himself can only regret that it should be considered necessary to plead the baby act in his favor. Notwithstanding, however, the recent police regulations and the determination of certain restaurants to look after him at all costs, there is a growing and justifiable belief in his ability to protect himself. A few years ago the Casino would not sell tickets to two women, unaccompanied by a man, after the roof garden season opened. The rule is no longer in force, yet men visit roof gardens freely and without coming to harm.

The world does move, and we with it. Indeed, we may all, I think, look forward to the time when women will be no more discriminated against in New York City than the women in other countries which have no Fourteenth Amendment to their constitutions.

MARY GAY HUMPHREYS.



Delmonico's—After 6.